

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

MDL No. 3076

CASE NO. 1:23-md-03076-KMM

**IN RE:**

**FTX Cryptocurrency Exchange Collapse Litigation**

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THIS DOCUMENT RELATES TO:

Domestic Venture Capital Funds

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**AGREED JOINT MOTION REGARDING  
DOMESTIC VC DEFENDANTS' MOTIONS TO DISMISS**

Plaintiffs Brandon Orr, Leandro Cabo, Ryan Henderson, Michael Livieratos, Alexander Chernyavsky, Gregg Podalsky, Vijeth Shetty, Chukwudozie Ezeokoli, Michael Norris, Edwin Garrison, Shengyun Huang, Julie Papadakis, Vitor Vozza, Kyle Rupprecht, Warren Winter and Sunil Kavuri (“Plaintiffs”) and Defendants Thoma Bravo, LP, Sequoia Capital Operations, LLC, Altimeter Capital Management, LP, Multicoi Capital Management LLC, Tiger Global Management, LLC, Paradigm Operations LP, Ribbit Capital, L.P., K5 Global Advisor, LLC and SkyBridge Capital II, LLC, (collectively, “Domestic VC Defendants,” and together with Plaintiffs, the “Parties”), pursuant to Federal Rule of Civil Procedure 6(b) and Southern District of Florida Local Rule 7.1(a)(1)(J), respectfully file this agreed joint motion (the “Agreed Motion”) regarding Domestic VC Defendants’ forthcoming motions to dismiss Plaintiffs’ Administrative Class Action Complaint and Demand for Jury Trial: Domestic Venture Capital Funds (ECF 157) (“Master Complaint”).

On June 21, 2023, this Court entered an Initial Scheduling and Case Management Order (ECF 61), which required Plaintiffs to file consolidated amended complaints within 45 days of entry of that order and allowed Defendants 45 days from the filing of the amended complaints to respond. Subsequently, on August 8, 2023, Plaintiffs filed the Master Complaint. On August 25,

2023, this Court entered a Paperless Order (ECF 216) setting forth certain briefing procedures and page limits for all forthcoming motions to dismiss in the above-captioned MDL proceedings, including Domestic VC Defendants' motions to dismiss.

Given the number of Domestic VC Defendants, claims, and issues requiring briefing before this Court, and the Parties' desire to ensure an orderly and efficient briefing process while minimizing unnecessary briefing, the Parties agree that entering a joint briefing schedule, as well as certain additional briefing procedures and reservations of rights, is in the best interests of the Parties and this Court. The Parties have included certain reservations of rights in section III of the attached Proposed Order that are designed to streamline the issues before the Court at this stage by limiting briefing to Rule 12(b)(6) issues, while ensuring that the parties preserve their respective positions on other issues.<sup>1</sup>

**WHEREFORE**, the Parties respectfully request that the Court authorize the briefing schedule, procedures, and reservation of rights for motions to dismiss the Master Complaint as set forth in the Proposed Order attached hereto as Exhibit 1.

Counsel for Domestic VC Defendants have conferred with all signatories to this Agreed Motion in a good faith effort to resolve the issues raised herein and are authorized to represent that the Parties agree to the relief sought.

DATED: August 28, 2023

Respectfully submitted,

/s/ Eric I. Niehaus

/s/ John C. Herman

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<sup>1</sup> Other MDL courts have entered similar reservations of rights. *See, e.g.*, Case Management Order No. 8, *In re: Paraquat Prods. Liab. Litig.*, ECF No. 347 (S.D. Ill. Sept. 10, 2021); Pre-Trial Order No. 20, *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, ECF No. 904 (E.D. La. Dec. 17, 2010).

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served electronically through the Court's CM/ECF system upon all parties registered to receive electronic notice in this case on August 28, 2023.

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